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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,520	12/29/2000	Bradley J. Quinn	1840	8825

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EXAMINER	
NGUYEN, NHON D	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/751,520	QUINN, BRADLEY J.
	Examiner	Art Unit
	Nhon (Gary) D Nguyen	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,17-22 and 27-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15, 17-22, and 27-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to Amendment B, filed 03/31/2004.

2. Claims 1-15, 17-22, and 27-33 are pending in this application. Claims 1, 9, 13, 19, 27, and 33 are independent claims. This action is made non-final.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 33 recites the limitation "*the music player*" in the last limitation. There is insufficient antecedent basis for this limitation in the claim. "*[A] music player user interface*" in the previous limitation is not the same as a "*music player*" since it is just a "*user interface*", not a "*player*".

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 33 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the

specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claim 33, "*playing the selected song automatically without waiting for the music player to load*" is impossible because a "*music player*", which is a program or application functioned to play a song, must be loaded first, from a memory in order to display on screen, before a song could be played.

Due to this rejection, this claim was not treated on the merits.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 9, 13, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Moshfeghi (US 6,476,833).

As per independent claim 1, Moshfeghi teaches a method of configuring a user interface, comprising:

receiving user interface data describing one or more user interface functions on a remote device through a network (the content of the user profile; col. 3, line 19);

comparing the user interface data with a user interface template, the user interface template including one or more representations (col. 8, lines 35-44 and col. 11, lines 8-9); and

configuring a display of the one or more representations based on the user interface data, each representation corresponding to one of the user interface functions on the remote device and capable of interaction by a user therewith (col. 3, lines 19-25).

As per independent claims 9, 13, and 19, they are rejected under the same rationale as claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 8-15, 17-22, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of Moshfeghi.

As per independent claim 1, Humpleman teaches a method of configuring a user interface, comprising:

receiving user interface data describing one or more user interface functions on a remote device through a network (col. 7, lines 6-7 and col. 7, lines 48-58);

configuring a display of one or more representations based on the user interface data, each representation corresponding to one of the user interface functions on the remote device and capable of interaction by a user therewith (col. 7, lines 7-20 and col. 7, lines 48-58).

Humpleman does not teach comparing the user interface data with a user interface template, the user interface template including one or more representations. Moshfeghi discloses

comparing embedded browser functionality with a user profile template which includes one or more representations (col. 3, lines 10-25, col. 8, lines 35-44 and col. 11, lines 8-9). It would have been obvious to an artisan at the time of the invention to use the teaching from Moshfeghi of comparing embedded browser functionality with a user profile template in Humpleman's system since the functionality and appearance of the user interface is configured from information in the user profile to limit access to resources;

As per claim 2, which is dependent on claim 1, Humpleman teaches:

accepting input corresponding to the interaction by the user with a selected one of the representations; and communicating the input to the remote device through the network such that the user is able to utilize the user interface function on the remote device corresponding to the selected representation (col. 7, lines 41-47).

As per claim 3, which is dependent on claim 2, it is inherent in Humpleman's system to translate the input into utilization by the user of the user interface function on the remote device corresponding to the selected representation.

As per claim 4, which is dependent on claim 1, Humpleman teaches the user interface functions on the remote device include selecting output and changing output (fig. 11).

As per claim 5, which is dependent on claim 1, Humpleman teaches:

Monitoring the interaction of the user with the display of the one more representations (user selects on *712* buttons of fig. 11); and storing data representative of the monitored interaction (it is inherent in Humpleman's system that the visited web pages will be stored in the temporary memory), the monitored interaction data capable of being used to configure the display of the representation (it is inherent in Humpleman's system that the visited web pages in the temporary catch memory will be used to configure the display of the representation).

As per claim 8, which is dependent on claim 1, Humpleman teaches:

identifying a resource on the remote device with which the user interacts; and loading a user interface corresponding to the identified resource (fig. 11).

As per independent claim 9, it is rejected under the same rationale as claim 1.

As per claim 10, which is dependent on claim 9, it is rejected under the same rationale as claim 2.

As per claim 11, which is dependent on claim 10, it is rejected under the same rationale as claim 3.

As per claim 12, which is dependent on claim 9, it is rejected under the same rationale as claim 5.

As per independent claim 13, it is a similar scope to claim 1; therefore, it should be rejected under similar scope.

As per claim 14, which is dependent on claim 13, it is a similar scope to claim 2; therefore, it should be rejected under similar scope.

As per claim 15, which is dependent on claim 14, it is a similar scope to claim 3; therefore, it should be rejected under similar scope.

As per claim 17, which is dependent on claim 16, Humpleman teaches the resource is a web page (col. 7, lines 48-51).

As per claim 18, which is dependent on claim 16, wherein the evaluated interaction includes selecting an icon (col. 7, line 44).

As per independent claim 19, Humpleman teaches a method of loading a user interface, comprising:

accessing a resource on a remote device through a network (col. 7, lines 7-9);

evaluating interaction of a user with the resource; identifying the resource based on the evaluated interaction; and loading a user interface corresponding to the identified resource (col. 7, lines 41-46);

receiving user interface data describing one or more user interface functions on the remote device through the network (col. 7, lines 6-7 and col. 7, lines 48-58);

configuring the load user interface based on the user interface data, the loaded interface including one or more representations, each representation corresponding to one of the user interface functions on the remote device and capable of interaction by the user therewith (col. 7, lines 7-20 and col. 7, lines 48-58).

Humpleman does not teach comparing the user interface data with a user interface template, the user interface template including one or more representations. Moshfeghi discloses comparing embedded browser functionality with a user profile template which includes one or more representations (col. 3, lines 10-25, col. 8, lines 35-44 and col. 11, lines 8-9). It would have been obvious to an artisan at the time of the invention to use the teaching from Moshfeghi of comparing embedded browser functionality with a user profile template in Humpleman's system since the functionality and appearance of the user interface is configured from information in the user profile to limit access to resources;

As per claim 20, which is dependent on claim 19, it is rejected under the same rationale as claim 2.

As per claim 21, which is dependent on claim 20, it is rejected under the same rationale as claim 3.

As per claim 22, which is dependent on claim 19, it is rejected under the same rationale as claim 5.

As per independent claim 27, it is rejected under the same rationale as claim 1.

As per claim 28, which is dependent on claim 27, it is rejected under the same rationale as claim 2.

As per claim 29, which is dependent on claim 28, it is rejected under the same rationale as claim 3.

As per claims 30, 31, and 32, which are dependent on claims 1, 9, and 19 respectively, they are rejected under the same rationale as claim 5.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of Moshfeghi and further in view of Cragun et al. ("Cragun", US 5,973,683).

As per claims 6 and 7, which are both dependent on claim 5, modified Humpleman does not disclose the monitored interaction data includes an amount of time and a number of times spent by the user interacting with a selected one of the representations, and further wherein the display of the representations is configured to include the selected representation is greater than a threshold amount of time and number of times. Cragun discloses content displayed on the

television is controlled based on a viewer profile that monitors the quantity of time a viewer spends viewing content (col. 6, lines 1-28). It would have been obvious to an artisan at the time of the invention to use the teaching from Cragun of displaying the content on the television based on a viewer profile that monitors the quantity of time a viewer spends viewing content in modified Humpleman's system since it would control the display content in response to the past behavior of a viewer.

Response to Arguments

6. Applicant's arguments filed 03/31/2004 have been fully considered but they are not persuasive.

Applicants argued the following:

Nowhere in Moshfeghi was "*the user interface template including one or more representations*" as claimed in claims 1, 9, 13, and 19 suggested or disclosed.

The Examiner disagrees for the following reasons:

Moshfeghi does teach "*the user interface template including one or more representations*" at col. 8, lines 35-44 and col. 11, lines 8-9, wherein the "*profile parameters*" such as indication of network access and universal resource identifiers (URI) are indeed "*one or more representations*".

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
June 22, 2004

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